

# State of Wisconsin



2009 Assembly Bill 591

Date of enactment: **March 15, 2010**

Date of publication\*: **March 29, 2010**

## 2009 WISCONSIN ACT 168

AN ACT *to renumber and amend* 449.18 (6) (am) 2.; *to amend* 449.01 (1) (a) 2. c. and 961.39 (intro.), (1), (2) and (4); and *to create* 449.18 (6) (am) 2. b. of the statutes; **relating to:** authorizing certain optometrists to dispense contact lenses that deliver a therapeutic pharmaceutical agent.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 449.01 (1) (a) 2. c. of the statutes is amended to read:

449.01 (1) (a) 2. c. Prescribing or administering drugs for ocular therapeutic purposes, dispensing contact lenses that deliver a therapeutic pharmaceutical agent under s. 449.18 (6) (am) 2. b., or removing superficial foreign bodies from the eye or an appendage to the eye under s. 449.18.

**SECTION 2.** 449.18 (6) (am) 2. of the statutes is renumbered 449.18 (6) (am) 2. (intro.) and amended to read:

449.18 (6) (am) 2. (intro.) Dispense, as defined in s. 450.01 (7), other than by prescribing or administering. This subdivision does not prohibit the optometrist from providing doing any of the following:

a. Providing a complimentary sample of a therapeutic pharmaceutical agent to a patient to whom the optometrist has rendered therapeutic care.

**SECTION 3.** 449.18 (6) (am) 2. b. of the statutes is created to read:

449.18 (6) (am) 2. b. Dispensing a contact lens that also delivers a therapeutic pharmaceutical agent, if the optometrist is authorized to prescribe or administer the therapeutic pharmaceutical agent under the rules promulgated under par. (cm).

**SECTION 4.** 961.39 (intro.), (1), (2) and (4) of the statutes are amended to read:

**961.39 Limitations on optometrists.** (intro.) An optometrist who is allowed under s. 449.18 (1) to use therapeutic pharmaceutical agents and under s. 449.18 (6) (am) 2. b. to dispense a contact lens that delivers a therapeutic pharmaceutical agent:

(1) May not prescribe, dispense, or administer a controlled substance included in schedule I or II.

(2) May prescribe, dispense, or administer only those controlled substances included in schedules III, IV, and V that are permitted for prescription or administration under the rules promulgated under s. 449.18 (6) (cm).

(4) May not dispense other than by prescribing or administering as provided under s. 449.18 (6) (am) 2.

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\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].